Legn 60-40

1940 Serial No. 1

Previous references.

Military 174-39-(1-2) (Legis)

Later references.

A

PRESERVED

31

Office of the Secretary to the Representative Assembly and Legislative Council

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SUBJECT.

Act No XXIX of 1940

An Act further to amend the Mysore Military Act, II of 1899

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publication of ~~Act~~ an Act further to amend the Mysore Military Act, II of 1899.

WD 04023—GPB—1,000- 12-9-41

25/3/1942

Serial No.

Military Correction 174-39-(1-2)

Submitted

Certain amendments were effected in the Military Act of 1899 in the year 1940. They also received the assent of His Highness the Maharaja on 7th day of May 1940. But due to some wrong or incorrect notion regarding the nature of those amendments, the amending Act has not so far been published. This defect was noticed while working up another file relating to further amendment of the Act.

The amending Act of 1940 has now been compiled and it is proposed to give it the last number for the year 1940. If approved the amending Act will be published for general information in the Official Gazette.

I may submit in this connection that in view of the amendment of para 1 of the original Act in 1940, the corresponding portion of the preamble to that Act also requires to be amended. This has been apparently lost sight of. If approved the prior portion of the preamble to the 1899 Act will be amended as follows —

May be done and got printed. Hm 5.3. Ans 5/3

Not necessary. Ans 5/3 Hm 5/3.

NOTE—Contn. Sheet.

File No. of 194 General and Revenue Secretariat R. A. & L. C.

Serial No.

" Whereas it is expedient to amend the Disciplinary Law applicable to the Mysore Lancers, Mysore Horse, Mysore Infantry, and Mysore Mechanical Transport Corps, .

May be done Hm 2 5/3. Dec 5/3

—

I also beg to state that in the year 1941, Section 36 of the Military Act was ordered to be amended. But I see from the file that the question to amend the Section has not been treated as a Council matter and the proposed amendment has not also received the assent of His Highness the Maharaja. In these circumstances the amendment to section 36 cannot be deemed to have become operative. I would therefore suggest that the question may be pursued from the point where it was left, ie the matter this file may be circulated among the Ministers and further necessary action taken.

Military File 112-41

May be done and action taken in the concerned file. Hm 2 5/3

MR 5.3.42

Law Secy)

The Military Act 1899 as amended

Publication of the Military Act 1899 as amended

General and Revenue Secretariat R. A. & L. C.

File No. 835/RL of 194 .

App. F. III-2

Serial No.

Uptodate may be published in the Gazettee for general information.

Hm 5/3

MAR 5 1942 8821

Minister (in Law) Hm 5.3.42

Dewan) this genSecy) for 5/3/42 BKR 5.3.42

MAN'S OFFICE AR 1942 763

Action taken in a separate file BKR 6.3.42

The amendment of 1941 may be circulated Hm 5/3

Hm 6/3/42

Hm 6/3/42

BKR 6.3.42

A draft letter to the Supdt Govt printing directing that 100 copies of the amended Act XXIX may be got printed, is submitted for approval

26. 7.3.42 JSM BKR 7.3.42

Printed No. R.L. 1679 dated 7.3.42 to the Supdt Govt printing, directing that 100 copies of the amending Act XXIX of 1940 to be got printed.

NOTE—Contn. Sheet.

File No. of 194

General and Revenue
Secretariat
R. A. & L. C.

Serial
No.

print order issued in R-L-1740
dated 9-3-1942 to the Supt of govt printing directing
to incorporate the corrections made in the proof

Approved this file may be recorded

27-4-42

27-4-42

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

No. R.L. 1630 dated 28.2.42.
Immediate

Please see the enclosed matter in type and send 3 clean proofs by 11 A.M. on Tuesday the 3rd March 42.

B.K. Ramakrishna Iyengar
for Secretary to Govt.

BVN. Law Dept.
28/2/42

ACT OF 1940.

(Received the assent of His Highness the Maharaja on the)

An Act further to amend the Mysore Military Act II of 1899.

Preamble. Whereas it is expedient to further amend the Mysore Military Act II of 1899; His Highness the Maharaja is pleased to enact as follows:-

1. For paragraph 1 of the Act the following shall be substituted:-

"All officers, Non Commissioned Officers, sowars, sepoys, drivers and followers of the Mysore Lancers, Mysore Horse, Mysore Infantry, and Mysore Mechanical Transport Corps are subject to these rules except on active service when they are under the same rules as laid down in the Indian Army Act so far as such rules can be made applicable to them."

2.(a) In sub-para 3 of paragraph 2 for the words "the same" ~~substitute~~ the words "a superior" shall be substituted.

~~2~~.(b) In sub-para 7 of paragraph 2 ~~omit~~ the words "on active service" and "without authority", shall be omitted

~~4~~.(c) In sub-para 11 of paragraph 2 ~~omit~~ the word "British", shall be omitted

~~5~~.(d) In sub-para 16 of paragraph 2 for the word "offence" ~~substitute~~ the word "act" shall be substituted

~~6~~.(e) In sub-para 25 of paragraph 2 ~~omit~~ the word "military", shall be omitted

~~7~~.(f) ~~Add~~ The following new sub-para 48 shall be added to paragraph 2.

"False answers on enrolment.- Any person

subject to this Act who makes a wilfully false answer to any question set forth in the prescribed form of enrolment which was put to him by the enrolling officer before whom he appeared for the purpose of being enrolled is guilty of this offence."

3. (a) In paragraph 4(a) for the words "seven" ~~substitute~~ shall be substituted the word "fourteen"; after the words "or cell" ~~add~~ the words "and ends at the sunset of the day the sentence expires", shall be added.

~~2.~~ (b) For the word "thirty" appearing in paragraph 4(b) ~~bitute~~ the word "twenty-eight", shall be substituted

~~10.~~ (c) In paragraph 4(e) ~~omit~~ the sentence "The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month, for absence extending to a month the whole pay for the month will be forfeited." shall be omitted

~~11.~~ (d) ~~Omit~~ paragraph 4(g), shall be omitted

~~12~~ 4. For paragraph 5 ~~(2)~~ the following ~~paragraphs~~ shall be substituted:-

"5(a) The Commanding Officer, on receiving a complaint or coming to know of circumstances tending to incriminate an officer, will, if he is satisfied by enquiry that it will be necessary to proceed with the case, place him under arrest and at once submit the records to the Chief Commandant for the orders of the Government.

~~3~~ (b) The Chief Commandant ~~for~~ will submit the ~~records~~ records with his own recommendation to the Government releasing the officer concerned from arrest, if in his opinion there are not sufficient grounds for proceeding with the case."

5 ~~18.~~ In paragraph 6 before the words "the sanction of Government" ~~insert~~ the words "the orders of the Chief Commandant under section 5(b) or", shall be inserted.

6 ~~14.~~ In paragraph 7 after the word "reprimand" ~~add~~ the words "severe reprimand"; shall be added for the words "deprivation of good conduct pay" ~~substitute~~ the words "deprivation of ~~xxx~~ one rate of good service pay"; shall be inserted and ~~omit~~ the words "stoppage of any extra forage allowance.", shall be omitted.

7 ~~15.~~ For paragraph 9 ~~substitute~~ the following shall be substituted:—

"The Squadron or Company Commander, Troop or Platoon Commander and Section Commander will be present when a prisoner is brought before the Commanding Officer and the man's sheet roll will be produced by the troop or platoon commander in order that his previous character may be ascertained."

8 ~~16.~~ In paragraph 11 ~~omit~~ the words "6 strokes of a cane" shall be omitted

9 ~~17.~~ In paragraph 13 and its heading ~~substitute~~ the word "~~division~~ Company" for "~~Company~~ Division" shall be substituted and ~~add~~ the word "sepoys" added after "sowars".

10. ~~18.~~ In paragraph 14(a) ~~substitute~~ the word "Company" for "Division" shall be substituted and ~~add~~ the following sub-para shall be added:—

"Powers of State officers not in command of Companies or Squadrons:-

a) Seven days confinement to the lines

b) Extra drill not exceeding one hour a day for not more than 7 days.

c) Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding 6 in all.

d) Extra inspection parades (not exceeding one) of saddlery and equipment."

11 ~~19~~. In the heading of paragraph 16 for "Troop Officers" ~~read~~ shall be substituted "Indian Officers"; and ~~substitute~~ the word "Subedars" instead of "Jamadars when in command of troops".

12 ~~20~~. In paragraph 17 ~~omit~~ the words "not in command of troops" ~~found in the heading;~~ shall be omitted. ~~and substitute the following~~:-

13 ~~21~~. For paragraph 21 ~~substitute~~ the following shall be substituted:- "The Commanding Officers may, if they consider it desirable and necessary, authorise any officer of whatever rank who may be in command of a detached party or outpost to award any or all of the following minor punishments, notifying their action to the Chief Commandant:-

a) Three days' confinement to the lines.

b) ~~Extra~~ drill ~~not exceeding~~ one hour a day, for not more than ~~three~~ days.

Powers of officers in command or detachments if authorised by Commanding Officer.

(i) If the Officer Commanding Detachment is a State Officer:-

(a) Imprisonment with or without hard labour to the extent of 7 days.

(b) Confinement to lines up to 14 days.

(c) Extra drill not exceeding 2 hours a day and for not more than 5 days.

(d) Extra inspection parades of saddlery and equipment, not exceeding three.

(ii) If the O.C.Detachment is an Indian Officer:-

(a) Imprisonment with or without hard labour to the extent of 5 days.

(b) 10 days confinement to the lines.

(c) Extra drill not exceeding 2 hours a day for not more than 5 days.

(d) Extra inspection parades of saddlery and equipment not exceeding three."

14. In paragraph 22 the words "by Squadron Commanders and Division Commanders" shall be omitted.

15 ~~23~~. In paragraph 23(a) the words "severe reprimand" shall be added after "reprimand" and the words "reduction and" shall be added before the word "imprisonment".

16 ~~24~~. In paragraph 23(b) the word "sepoys" shall be added after "sowars" and the words "in the case of followers but in the case of others, only if less than five years' service" shall be ~~deleted~~ omitted in subpara 2.

17 ~~25~~. In paragraph 36 for the words "articles of war" the words "Army Act, 1911" shall be substituted and a sub-para added as below:-

> "In times of peace the rules prescribed in the Manual of Indian Military Law and Regulations for the army in India under 'court martial' may be taken as a guide for the procedure of court martial where not otherwise provided for in the Mysore Military Act."

18 ~~26~~. For the word "division" occurring in paragraph 37 ~~substitute~~ "company" shall be substituted.

19 ~~27~~. For paragraph 38 ~~substitute~~ the following shall be substituted :—

> "A court martial for the trial of a person other than a commissioned officer will be convened by the Chief Commandant and a court martial for the trial of a commissioned officer will be convened by the Chief Commandant with the sanction of the Government or of an officer specially authorised in this behalf by the Government."

20 ~~28~~. In paragraph 40 for the word "Government" ~~substitut~~ "the authority sanctioning the convening of the court martial" shall be substituted

21. ~~82.~~ In paragraph 44 after the words "commission of that offence" ~~insert~~ the words "other than an offence of mutiny or fradulent enrolment" shall be inserted

~~230.~~ ~~Delete~~ Paragraph 46 shall be omitted

23 ~~31.~~ ~~Delete~~ Paragraph 51 shall be omitted

24 ~~32.~~ For paragraph 62 ~~substitute~~ the following shall be substituted

"Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the Court. Provided that where a sentence of imprisonment is awarded by a court martial to an offender already under sentence of imprisonment for a limited term, the court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of ~~imprisonment~~ imprisonment may exceed the limit awardable for any particular offence."

25 ~~38.~~ In paragraph 67 the words "death" and "corporal punishment not exceeding 30 lashes", wherever they occur, shall be ~~deleted~~ omitted.

26 ~~34.~~ ~~In~~ Paragraph 68 shall be ~~deleted~~ omitted.

27 ~~35.~~ In paragraph 72 for the words "Imperial Service Cavalry or Transport Corps as the case may be", the words "unit to which the individual belongs" shall be ~~inserted~~ substituted.

28 ~~36.~~ Paragraph 74 shall be omitted.

29 ~~37.~~ Paragraph 84. The following new paragraph 84 A

shall be added:-

"84.A. a) Any person who is found guilty by a court martial of any of the offences defined in clauses 5, 25, 26, 28, 29, 30, 32, 40, 47 of para 2 of this Act,

b) who is dismissed from the service, or is expressly discharged on account of misconduct, or on conviction by a court for an offence which would also be an offence under any of the following clauses viz., 25, 26, 28, ~~&~~ 29, 30, 32, 40 of para 2 of the said Act or who is sentenced by a criminal court to a punishment exceeding 6 months imprisonment,

c) who is sentenced to transportation or to forfeit his medals, shall forfeit all medals, decorations (other than the V.C., Military Cross, Order of British India and Indian Order of Merit, which are dealt with under special regulations) of which he may be in possession or to which he may be entitled, together with the annuity or gratuity, if any, thereto appertaining."

30 ~~28~~. In paragraph 87 after the words "all arms" ~~insert~~ shall be inserted the words "or part of arms"; for the scale at the end of the paragraph ~~substitute~~ the following scale shall be substituted:—

"For each	Maxim or Vickers gun	Rs.1600
"	Hotchkiss & Lewis gun	" 1000
"	.303 rifle	" 800
"	M.H.rifle or carbine	" 250
"	Pistol	" 175
"	Bolt of a rifle, carbine or Lewis gun	" 50
"	Breech block of Hotchkiss gun	" 50
"	Lock of Maxim or Vickers gun	" 50
"	Grenade	" 30

Ammunition - Twice its actual value."

31 ~~39~~. For the words "a native" occurring in sub-para 2 of paragraph 88 ~~substitute~~ the words "an Indian" shall be substituted

32 ~~40~~. For paragraph 93 ~~substitute~~ the following shall be substituted:—

"Civil offences.- 1. Every person subject to this Act who either within the Mysore State or at any place beyond the State commits any civil offence shall be deemed guilty of an offence against Military Law, and if charged therewith

under this section, shall be liable to be tried for the same by Court-martial and on conviction to be punished as follows, that is to say:-

a) if the offence is one which would be punishable under the law of Mysore with death or with transportation, he shall be liable to suffer any punishment other than whipping assigned for the offence by the law in Mysore; and

b) in other cases he shall be liable to suffer any punishment other than whipping assigned for the offence by the law of Mysore or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and military discipline.

Provided that a person subject to this Act who at any place within Mysore and while not on active service commits the offence of murder or culpable homicide not amounting to murder in relation to a person not subject to Military Law, or the offence of rape shall not be deemed to be guilty of an offence against Military Law and shall not be tried by a court-martial.

2. The powers of a court-martial to try and to punish any person under this section shall not be affected by reason of the fact that the civil offence with which such person is charge is also a military offence."

3341. In Appendix A, after the word "Government" add the words "or from an officer specially authorised to accord sanction"; and for "Regimental Durbar Room" substitute "Regimental Orderly Room".

The words 'Munshi or Babu' sppearing in this

ACT XXV OF 1941.

(Received the assent of His Highness the Maharaja on the)

An Act further to amend the Mysore Military Act II of 1899

Preamble. WHEREAS it is expedient to further amend the Mysore Military Act II of 1899; His Highness the Maharaja is pleased to enact as follows

1. For the first sentence of ~~Section~~ paragraph 36 of the Act the following shall be substituted:-

"The procedure to be observed for assembling and composition of Courts Marial on service and in time of war will be the same as that laid down in the Indian Army Act, 1911, as amended from time to time."

Appendix F G—1]
R. A. & L. C.

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. R.L. 1679.

Diary No. of letter replied to .....

To The Superintendent
Govt printing, Bangalore.

General and Revenue Secretariat
R. A. & L. C.
( )

Sir,

I have the honour to request you that the accompanying proof (as corrected) of Act XXIX of 1940 may be got printed and one hundred copies of the same ~~may~~ be supplied to this Office at an early date.

Date of issue 7.3.42.

Signed by M. B. K. Ramakrishnaiya

I have the

BKR

List of enclosures One Corrected Proof.

Secy to Govt
Law Dept

Copied by .....

Examined by .....

7-3-42

7th March 1942.

No. R. L. 1679

End. one.

The Superintendent,
Government Printing,
Bangalore.

Sir,

I have the honour to request you that the accompanying proof (as corrected) of Act XXIX of 1940 may be got printed and one hundred copies of the same be supplied to this office at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

Jr Secretary to Government,
Law Department.

KSH

In the first preamble
strike out the words 'The
Wyvern Lancers, Wyvern Horse,
Wyvern Infantry and Wyvern
Mechanical Transport Corps'
be substituted for the
words 'The Wyvern Imperial
Service Cavalry and Transport
Corps'

No. R. L. 1630, *dated 28th February* 1942.

ACT XXV OF 1941.

(Received the assent of His Highness the Maharaja on the.....)

An Act further to amend the Mysore Military Act, II of 1899.

Preamble. WHEREAS, it is expedient to further amend the Mysore Military Act, II of 1899; His Highness the Maharaja is pleased to enact as follows:—

1. For the first sentence of paragraph 36 of the Act, the following shall be substituted:—

"The procedure to be observed for assembling and composition of Court Martial on service and in time of war will be the same as that laid down in the Indian Army Act, 1911, as amended from to time."

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

XXIX

ACT OF 1940.

(Received the assent of His Highness the Maharaja on the.....)

7th day of May 1940

An Act further to amend the Mysore Military Act, II of 1899.

Preamble Whereas it is expedient to further amend the Mysore Military Act, II of 1899; His Highness the Maharaja is pleased to enact as follows:—

1. For paragraph 1 of the Act the following shall be substituted:—

"All Officers, Non-Commissioned Officers, Sowars, Sepoys, drivers and followers of the Mysore Lancers, Mysore Horse, Mysore Infantry and Mysore Mechanical Transport Corps are subject to these rules except on active service when they are under the same rules as laid down in the Indian Army Act, so far as such rules can be made applicable to them."

2. (*a*) In sub-para 3 of paragraph 2 for the words "the same" the words "a superior" shall be substituted.

(*b*) In sub-para 7 of paragraph 2 the words "on active service" and "without authority" shall be omitted

(*c*) In sub-para 11 of paragraph 2 the word 'British' shall be omitted.

(*d*) In sub-para 16 of paragraph 2 for the word "offence" the word 'act' shall be substituted.

(*e*) In sub-para 25 of paragraph 2 the word "Military" shall be omitted.

(*f*) The following new sub-para 48 shall be added to paragraph 2:—

"*False answers on enrolment.*—Any person subject to this Act who makes a wilfully false answer to any question set forth in the prescribed form of enrolment which was put to him by the enrolling officer before whom he appeared for the purpose of being enrolled is guilty of this offence."

3.42

3. (*a*) In paragraph 4 (a) for the words "seven" the word "fourteen" shall be substituted; after the words "or cell" the words "and ends at the sunset of the day the sentence expires" shall be added.

(*b*) For the word "thirty" appearing in paragraph 4 (b) the word "twenty-eight" shall be substituted.

(*c*) In paragraph 4 (e) the sentence "The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month, for absence extending to a month the whole pay for the month will be forfeited" shall be omitted.

(*d*) Paragraph 4 (g) shall be omitted.

4. For paragraph 5 the following shall be substituted:—

"5 (*a*) The Commanding Officer, on reciving a complaint or coming to know of circumstances tending to incriminate an officer, will, if he is satisfied by enquiry that it will be necessary to proceed with the case, place him under arrest and at once submit the records to the Chief Commandant for the orders of the Government.

(*b*) The Chief Commandant will submit the records with his own recommendation to the Government releasing the officer concerned from arrest, if in his opinion there are not sufficient grounds for proceeding with the case."

5. In paragraph 6 before the words "the sanction of Government" the words "the orders of the Chief Commandant" under section 5 (b) or" shall be inserted.

6. In paragraph 7 after the word "reprimand" the words "severe reprimand" shall be added; for the words "deprivation of good conduct pay" the words "deprivation of one rate of good service pay" shall be inserted; and the words "stoppage of any extra forage allowance" shall be omitted.

7. For paragraph 9 the following shall be substituted:—

"The Squadron or Company Commander, Troop or Platoon Commander and Section Commander will be present when a prisoner is brought before the Commanding Officer and the man's sheet roll will be produced by the Troop or Platoon Commander in order that his previous character may be ascertained."

8. In paragraph 11 the words "6 strokes of a cane" shall be omitted.

9. In paragraph 13 and its heading the word "Company" shall be substituted for "Division" and the word "Sepoys" added after "Sowars".

10. In paragraph 14 (a) the word "Company" shall be substituted for "Division" and the following sub-para shall be added:—

"*Powers of State Officers not in command of Companies or Squadrons:—*

(*a*) Seven days confinement to the lines.
(*b*) Extra drill not exceeding one hour a day for not more than 6 days.
(*c*) Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding 6 in all.
(*d*) Extra inspection parades (not exceeding one) of saddlery and equipment."

11. In the heading of paragraph 16 for "Troop Officers" "Indian Officers" shall be substituted; and the word "Subedars" instead of "Jamadars when in command of troops".

12. In paragraph 17 the words "not in command of troops" shall be omitted.

13. For paragraph 21 the following shall be substituted:—

"The Commanding Officers may, if they consider it desirable and necessary, authorise any officer of whatever rank who may be in command of a detached party or outpost to award any or all of the following minor punishments, notifying their action to the Chief Commandant.

Powers of officers in command or detachments if authorised by Commanding Officer.

(i) If the Officer Commanding Detachment is a State Officer:—

(a) Imprisonment with or without hard labour to the extent of 7 days.

(b) Confinement to lines up to 14 days.

(c) Extra drill not exceeding 2 hours a day and for not more than 5 days.

(d) Extra inspection parades of saddlery and equipment, not exceeding three.

(ii) If the (O. C.) Detachment is an Indian Officer:—

(a) Imprisonment with or without hard labour to the extent of 5 days.

(b) Ten days confinement to the lines.

(c) Extra drill not exceeding 2 hours a day for not more than 5 days.

(d) Extra inspection parades of saddlery and equipment not exceeding three."

14. In paragraph 22 the words "by Squadron Commanders and Division Commanders" shall be omitted.

15. In paragraph 23 (a) the words "severe reprimand" shall be added after "reprimand" and the words "reduction and" shall be added before the word "imprisonment".

16. In paragraph 23 (b) the word "sepoys" shall be added after "sowars" and the words "in the case of followers but in the case of others, only if less than five years' service" shall be omitted in sub-para 2.

17. In paragraph 36 for the words "articles of war" the words "Army Act, 1911" shall be substituted and a sub-para added as below:—

In times of peace the rules prescribed in the Manual of Indian Military Law and Regulations for the army in India under 'court-martial' may be taken as a guide for the procedure of court martial where not otherwise provided for in the Mysore Military Act."

18. For the word "division" occuring in paragraph 37 "company" shall be substituted.

19. For paragraph 38 the following shall be substituted:—

"A court martial for the trial of a person other than a commissioned officer will be convened by the Chief Commandant and a court martial for the trial of a commissioned officer will be convened by the Chief Commandant with the sanction of the Government or of an officer specially authorised in this behalf by the Government."

20. In paragraph 40 for the word "Government" "the authority sanctioning the convening of the court martial" shall be substituted.

21. In paragraph 44 after the words "commission of that offence" the words "other than an offence of mutiny or fraudulent enrolment" shall be inserted.

22. Paragraph 46 shall be omitted.

23. Paragraph 51 shall be omitted.

24. For paragraph 62 the following shall be substituted.

"Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the Court: Provided that where a sentence of imprisonment is awarded by a court martial to an offender already under sentence of imprisonment for a limited term, the court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence."

25. In paragraph 67 the words "death" and "corporal punishment not exceeding 30 lashes" wherever they occur, shall be omitted.

26. Paragraph 68 shall be omitted.

27. In paragraph 72 for the words "Imperial Service Cavalry or Transport Corps as the case may be", the words "unit to which the individual belongs" shall be substituted.

28. Paragraph 74 shall be omitted.

29. Paragraph 84. The following new paragraph 84A shall be added.

"84-A. (*a*) Any person who is found guilty by a court martial of any of the offences defined in clauses 5, 25, 26, 28, 29. 30, 32, 40, 47 of para 2 of this Act,

(*b*) who is dismissed from the service, or is expressly discharged on account of misconduct, or on conviction by a court for an offence which would also be an offence under any of the following clauses *viz.*, 25, 26, 28, 29, 30, 32, 40, 47 of para 2 of the said Act or who is sentenced by a criminal court to a punishment exceeding 6 months' imprisonment,

(*c*) who is sentenced to transportation or to forfeit his medals, shall forfeit all medals, decorations (other than the V. C., Military Cross, Order of British India and Indian Order of Merit, which are dealt with under special regulations) of which he may be in posession or to which he may be entitled, together with the annuity or gratuity, if any, thereto appertaining."

30. In paragraph 87 after the words "all arms" the words "or part of arms" shall be inserted; for the scale at the end of the paragraph the following scale shall be substituted:—

"For each	Maxim or Vickers gun	...	1,600
Do	Hotchkiss and Lewis gun	...	1,000
Do	'303 rifle ...	...	800
Do	M. H. rifle or carbine	...	250
Do	Pistol	...	175
Do	Bolt of a rifle, carbine or Lewis gun		50
Do	Breech block of Hotchkiss gun	...	50
Do	Lock of Maxim or Vickers gun	...	10
Do	Grenade ...	...	20

Ammunition—Twice its actual value."

31. For the words "a native" occurring in sub-para 2 of paragraph 88 the words "an Indian" shall be substituted:—

32. For paragraph 93 the following shall be substituted:—

"*Civil Offences.*—Every person subject to this Act who either within the Mysore State or at any place beyond the State commits any civil offence shall be deemed guilty of an offence against Military Law, and if charged therewith under this section, shall be liable to be tried for the same by Court-martial and on conviction to be punished as follows, that is to say:—

(*a*) if the offence is one which would be punishable under the Law of Mysore with death or with transportation, he shall be liable to suffer any punishment other than whipping assigned for the offence by the law in Mysore; and

(*b*) in other cases he shall be liable to suffer any punishment other than whipping assigned for the offence by the Law of Mysore or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and military discipline.

Provided that a person subject to this Act who at any place within Mysore and while not on active service commits the offence of murder or culpable homicide not amounting to murder in relation to a person not subject to Military Law, or the offence of rape shall not be deemed to be guilty of an offence against Military Law and shall not be tried by a court-martial.

2. The powers of a court-martial to try and to punish any person under this section shall not be affected by reason of the fact that the civil offence with which such person is charged is also a military offence."

33. In Appendix A, after the word "Government" add the word "or from an officer specially authorised to accord sanction"; and for "Regimental Durbar Room" substitute "Regimental Orderly Room".

The words 'Munshi or Bābu', appearing in this Appendix shall be deleted.

(Sd) Mirza M. Ismail
Dewan.

ACT XXIX OF 1940.

(Received the assent of His Highness the Maharaja on the 7th day of May 1940).

An Act further to amend the Mysore Military Act, II of 1899.

WHEREAS, it is expedient further to amend the Mysore Military Act, II of 1899; His Highness the Maharaja is pleased to enact as follows:— Preamble.

In the preamble portion the words "the Mysore Lancers, Mysore Horse, Mysore Infantry and Mysore Mechanical Transport Corps" be substituted for the words "the Mysore Imperial Service Cavalry and Transport Corps".

1. For paragraph 1 of the Act the following shall be substituted:—

> "All Officers, Non-Commissioned Officers, sowars, sepoys, drivers and followers of the Mysore Lancers, Mysore Horse, Mysore Infantry and Mysore Mechanical Transport Corps are subject to these rules except on active service when they are under the same rules as laid down in the Indian Army Act, so far as such rules can be made applicable to them."

2. (*a*) In sub-para 3 of paragraph 2 for the words "the same" the words "a superior" shall be substituted.

(*b*) In sub-para 7 of paragraph 2 the words "on active service" and "without authority" shall be omitted.

(*c*) In sub-para 11 of paragraph 2 the word "British" shall be omitted.

(*d*) In sub-para 16 of paragraph 2 for the word "offence" the word "act" shall be substituted.

(*e*) In sub-para 25 of paragraph 2 the word "Military" shall be omitted.

(*f*) The following new sub-para 48 shall be added to paragraph 2:—

> "*False answers on enrolment.*—Any person subject to this Act who makes a wilfully false answer

to any question set forth in the prescribed form of enrolment which was put to him by the enrolling officer before whom he appeared for the purpose of being enrolled is guilty of this offence."

3. (*a*) In paragraph 4 (a) for the words "seven" the word "fourteen" shall be substituted; after the words "or cell" the words "and ends at the sunset of the day the sentence expires" shall be added.

(*b*) For the word "thirty" appearing in paragraph 4 (b) the word "twenty-eight" shall be substituted.

(*c*) In paragraph 4 (e) the sentence "The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month, for absence extending to a month the whole pay for the month will be forfeited" shall be omitted.

(*d*) Paragraph 4 (g) shall be omitted.

4. For paragraph 5 the following shall be substituted:—

"5 (*a*) The Commanding Officer, on receiving a complaint or coming to know of circumstances tending to incriminate an officer, will, if he is satisfied by enquiry that it will be necessary to proceed with the case, place him under arrest and at once submit the records to the Chief Commandant for the orders of the Government.

(*b*) The Chief Commandant will submit the records with his own recommendation to the Government releasing the officer concerned from arrest, if in his opinion there are not sufficient grounds for proceeding with the case."

5. In paragraph 6 before the words "the sanction of Government" the words "the orders of the Chief Commandant" under section 5 (b) or" shall be inserted.

6. In paragraph 7 after the word "reprimand" the words "severe reprimand" shall be added; for the words "deprivation of good conduct pay" the words "deprivation of one rate of good service pay" shall be inserted; and the words "stoppage of any extra forage allowance" shall be omitted.

7. For paragraph 9 the following shall be substituted :-

"The Squadron or Company Commander, Troop or Platoon Commander and Section Commander will be present when a prisoner is brought before the Commanding Officer and the man's sheet roll will be produced by the Troop or Platoon Commander in order that his previous character may be ascertained.''

8. In paragraph 11 the words "6 strokes of a cane" shall be omitted.

9. In paragraph 13 and its heading the word "Company" shall be substituted for "Division" and the word "sepoys" added after "sowars".

10. In paragraph 14 (a) the word "Company" shall be substituted for "Division" and the following sub-para shall be added:—

"*Powers of State Officers not in command of Companies or Squadrons :—*

(*a*) Seven days confinement to the lines.

(*b*) Extra drill not exceeding one hour a day for not more than seven days.

(*c*) Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.

(*d*) Extra inspection parades (not exceeding one) of saddlery and equipment."

11. In the heading of paragraph 16 for "Troop Officers" "Indian Officers" shall be substituted ; and the word "Subedars" instead of "Jamadars when in command of troops".

12. In paragraph 17 the words "not in command of troops" shall be omitted.

13. For paragraph 21 the following shall be substituted :—

"The Commanding Officers may, if they consider it desirable and necessary, authorise any officer of whatever rank who may be in command of a detached party or outpost to award any or all of the following minor punishments, notifying their action to the Chief Commandant.

Powers of officers in command or detachments if authorised by Commanding Officer.

(i) If the Officer Commanding Detachment is a State Officer:—

(*a*) Imprisonment with or without hard labour to the extent of 7 days.
(*b*) Confinement to lines up to 14 days.
(*c*) Extra drill not exceeding 2 hours a day and for not more than 5 days.
(*d*) Extra inspection parades of saddlery and equipment, not exceeding three.

(ii) If the Officer Commanding Detachment is an Indian Officer:—

(*a*) Imprisonment with or without hard labour to the extent of 5 days.
(*b*) Ten days confinement to the lines.
(*c*) Extra drill not exceeding 2 hours a day for not more than 5 days.
(*d*) Extra inspection parades of saddlery and equipment not exceeding three."

14. In paragraph 22 the words "by Squadron Commanders and Division Commanders" shall be omitted.

15. In paragraph 23(*a*) the words "severe reprimand" shall be added after "reprimand" and the words "reduction and" shall be added before the word "imprisonment"

16. In paragraph 23(*b*) the word "sepoys" shall be added after "sowars" and the words "in the case of followers but in the case of others, only if less than five years' service" shall be omitted in sub-para 2.

17. In paragraph 36 for the words "articles of war" the words "Army Act, 1911" shall be substituted and a sub-para added as below:—

"In times of peace the rules prescribed in the Manual of Indian Military Law and Regulations for the army in India under 'court-martial' may be taken as a guide for the procedure of court-martial where not otherwise provided for in the Mysore Military Act."

18. For the word "division" occurring in paragraph 37 "company" shall be substituted.

19. For paragraph 38 the following shall be substituted :—

> "A court-martial for the trial of a person other than a commissioned officer will be convened by the Chief Commandant and a court-martial for the trial of a commissioned officer will be convened by the Chief Commandant with the sanction of the Government or of an officer specially authorised in this behalf by the Government."

20. In paragraph 40 for the word "Government" "the authority sanctioning the convening of the court-martial" shall be substituted.

21. In paragraph 44 after the words "commission of that offence" the words "other than an offence of mutiny or fraudulent enrolment" shall be inserted.

22. Paragraph 46 shall be omitted.

23. Paragraph 51 shall be omitted.

24. For paragraph 62 the following shall be substituted.

> "Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the court: Provided that where a sentence of imprisonment is awarded by a court-martial to an offender already under sentence of imprisonment for a limited term, the court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence."

25. In paragraph 67 the words "death" and "corporal punishment not exceeding 30 lashes", wherever they occur, shall be omitted.

26. Paragraph 68 shall be omitted.

27. In paragraph 72 for the words "Imperial Service Cavalry or Transport Corps as the case may be",

the words "unit to which the individual belongs" shall be substituted.

28. Paragraph 74 shall be omitted.

29. Paragraph 84.—The following new paragraph 84-A shall be added :—

"84-A. (*a*) Any person who is found guilty by a court martial of any of the offences defined in clauses 5, 25, 26, 28, 29, 30, 32, 40, 47 of para 2 of this Act,

(*b*) who is dismissed from the service, or is expressly discharged on account of misconduct, or on conviction by a court for an offence which would also be an offence under any of the following clauses *viz.*, 25, 26, 28, 29, 30, 32, 40, of para 2 of the said Act or who is sentenced by a criminal court to a punishment exceeding 6 months' imprisonment,

(*c*) who is sentenced to transportation or to forfeit his medals, shall forfeit all medals, decorations (other than the V. C., Military Cross, Order of British India and Indian Order of Merit, which are dealt with under special regulations) of which he may be in posession or to which he may be entitled, together with the annuity or gratuity, if any, thereto appertaining."

30. In paragraph 87 after the words "all arms" the words "or part of arms" shall be inserted.; for the scale at the end of the paragraph the following scale shall be substituted:—

		Rs.
"For each	Maxim or Vickers gun ...	1,600
Do	Hotchkiss and Lewis gun ...	1,000
Do	'303 rifle	800
Do	M. H. rifle or carbine ...	250
Do	Pistol	175
Do	Bolt of a rifle, carbine or Lewis gun	50
Do	Breech block of Hotchkiss gun ...	50
Do	Lock of Maxim or Vickers gun ...	50
Do	Grenade	20

Ammunition—Twice its actual value."

31. For the words "a native" occurring in sub-para 2 of paragraph 88 the words "an Indian" shall be substituted:—

32. For paragraph 93 the following shall be substituted:—

"*Civil Offences.*—Every person subject to this Act who either within the Mysore State or at any place beyond the State commits any civil offence shall be deemed guilty of an offence against Military Law, and if charged therewith under this section, shall be liable to be tried for the same by Court-martial and on conviction to be punished as follows, that is to say:—

(*a*) if the offence is one which would be punishable under the Law of Mysore with death or with transportation, he shall be liable to suffer any punishment other than whipping assigned for the offence by the Law in Mysore; and

(*b*) in other cases he shall be liable to suffer any punishment other than whipping assigned for the offence by the Law of Mysore or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and military discipline.

Provided that a person subject to this Act who at any place within Mysore and while not on active service commits the offence of murder or culpable homicide not amounting to murder in relation to a person not subject to Military Law, or the offence of rape shall not be deemed to be guilty of an offence against Military Law and shall not be tried by a court-martial.

2. The powers of a court-martial to try and to punish any person under this section shall not be affected by reason of the fact that the civil offence with which such person is charged is also a military offence."

33. In Appendix A, after the word "Government" add the words "or from an officer specially authorised to accord sanction"; and for "Regimental Durbar Room" substitute "Regimental Orderly Room"

The words 'Munshi or Babu', appearing in this Appendix shall be deleted.

MIRZA M. ISMAIL,
Dewan.

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